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OUR REF: 0039-7661-2SRD  
GROUP ART UNIT: 2871

Re: Inventor: Mitsunobu YOSHIDA  
Serial No: 09/536,024  
Filed: MARCH 27, 2000  
For: DISPLAY DEVICE AND DISPLAY  
METHOD

SIR:

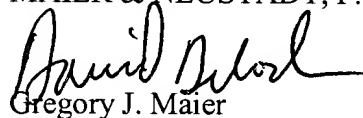
Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION OF SPECIES**

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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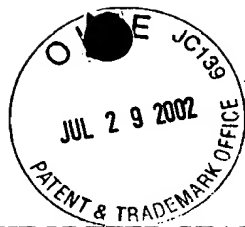


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0039-7661-2SRD



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
Mitsunobu YOSHIDA : EXAMINER: AKKAPEDDI, P.  
SERIAL NO: 09/536,024 :  
FILED: MARCH 27, 2000 : GROUP ART UNIT: 2871  
FOR: DISPLAY DEVICE AND DISPLAY  
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PROVISIONAL ELECTION OF SPECIES

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SIR:

In response to the Election of Species requirement dated June 28, 2002, Applicant provisionally elects Species A and identifies Claims 2-28 and 49-50 as readable on the provisionally elected species.

Applicant respectfully traverses the election requirement for several reasons.

First, MPEP § 806.04(f) requires:

MPEP § 806.04(f)

Claims to be restricted to different species must be mutually exclusive. ..

The outstanding Official Action fails to address in any way whether the pending claims recite mutually exclusive characteristics and this failure provides a further basis for traversing the election requirement.

Finally, MPEP § 803 states:

MPEP § 803

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... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicant also respectfully traverses the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, an action on all pending claims is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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